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Arizona Corporation Commission

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## BEFORE THE ARIZONA CORPORATION COMMISSION

DEC 21 2000

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IN THE MATTER OF THE )  
APPLICATIONS OF H2O, INC. AND )  
JOHNSON UTILITIES COMPANY FOR )  
AN EXTENSION OF THEIR )  
CERTIFICATES OF CONVENIENCE AND )  
NECESSITY. )

DOCKET NOS. W-02234A-00-0371  
WS-02987A-99-0583

IN THE MATTER OF THE APPLICATION )  
OF JOHNSON UTILITIES, L.L.C., DBA )  
JOHNSON UTILITIES COMPANY, FOR )  
AN EXTENSION OF ITS CERTIFICATE )  
OF CONVENIENCE AND NECESSITY TO )  
PROVIDE WATER AND WASTEWATER )  
SERVICE TO THE PUBLIC IN THE )  
DESCRIBED AREA IN PINAL COUNTY, )  
ARIZONA. )

DOCKET NO. WS-02987A-00-0618

IN THE MATTER OF THE APPLICATION )  
OF DIVERSIFIED WATER UTILITIES, )  
INC. TO EXTEND ITS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY. )

DOCKET NO. W-02859A-00-0774

IN THE MATTER OF THE APPLICATION )  
OF QUEEN CREEK WATER COMPANY )  
TO EXTEND ITS CERTIFICATE OF )  
CONVENIENCE AND NECESSITY. )

DOCKET NO. W-01395A-00-0784

**DIVERSIFIED WATER UTILITIES, INC.'S RESPONSE  
TO JOHNSON UTILITIES' APPLICATION FOR  
AMENDMENT TO PROCEDURAL ORDER**

Diversified Water Utilities, Inc. ("Diversified") hereby files its response to Johnson Utilities L.L.C. ("Johnson Utilities") Application for Amendment to Procedural Order to set expedited, bifurcated hearing on Johnson Utilities' application to expand its certificate to provide wastewater service. The issues relating to whether Johnson Utilities is fit and proper to

1 provide utility service and especially whether there is a current need for utility service overlap  
2 between water and wastewater service. Moreover, we are informed that on December 15, 2000,  
3 Sweetwater Creek Utilities, Inc. filed an application to intervene in these consolidated dockets  
4 (which we have yet to receive), indicating an intent to file a competing application for authority  
5 to provide wastewater service to some of the areas Johnson seeks authority to serve. Therefore,  
6 although Diversified is supportive of a certificate of convenience and necessity for sewer service  
7 being issued as quickly as possible for those areas which have a present need and necessity, it  
8 does not believe bifurcation and an expedited hearing on Johnson Utilities' massive application  
9 for expansion of its wastewater certificate is presently appropriate. Since Staff will not complete  
10 its review until January 9, 2001 (or a later date, depending upon whether Sweetwater Creek  
11 Utilities, Inc. is permitted to intervene), it does not appear that bifurcation would result in much  
12 acceleration, if any, of a final determination of the wastewater issue.  
13

14 In the event the wastewater certification portion of this matter is bifurcated and  
15 accelerated pursuant to Johnson Utilities' request, the Procedural Order should clearly state that  
16 any actions on the application for a wastewater certificate of convenience and necessity will not  
17 be binding on, and may not be utilized in support of Johnson Utilities' application for an  
18 expansion of its water certificate of convenience and necessity.

19 Respectfully submitted this 21st day of December, 2000.

20 MARTINEZ & CURTIS, P.C.

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23 William P. Sullivan, Esq.  
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26 Attorneys for Diversified Water Utilities, Inc.

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PROOF OF SERVICE AND  
CERTIFICATE OF MAILING

I hereby certify that on this 21st day of December, 2000, I caused the foregoing document to be served on the Arizona Corporation Commission by hand-delivering the original and ten (10) copies of said document to:

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

With copies of the foregoing mailed/hand-delivered this 21st day of December, 2000 to:

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Intervenor

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Phoenix, Arizona 85007

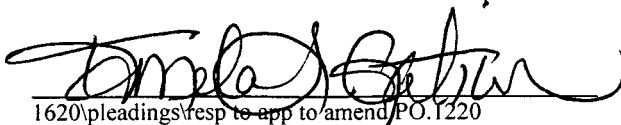
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